

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MARION CIRCUIT COURT

AVC NO.05-032

490010508MI0030623

IN RE: CIRCAPOETRY, LLC.,)
)
) Respondent.

FILED
AUG 05 2005

David A. Paetzmann
CLERK OF THE
MARION CIRCUIT COURT

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General David A. Paetzmann, and the Respondent, Circapoetry, LLC., enter into an Assurance of Voluntary Compliance (Assurance), pursuant to Indiana Code §24-5-0.5-7.

Any violation of the terms of this Assurance constitutes *prima facie* evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties.

The parties agree:

1. Respondent is a foreign corporation engaged in mail order and internet sales with a principal place of business at One Poetry Plaza, Owings Mills, Maryland.
2. The terms of this Assurance apply to and are binding upon Respondent, its employees, agents, representatives, successors, and assigns.
3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code §4-6-9-4 and Ind. Code §24-5-0.5-1 et seq.
4. As part of its marketing practices, Respondent has engaged in direct mail and internet solicitations and has, directly or indirectly, distributed such solicitations to Indiana residents.

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5. Respondent agrees, pursuant to Ind. Code §24-8-3-2, that each written solicitation, distributed by or on behalf of Respondent advising the recipient that he or she has won an award (hereinafter "notice"), shall contain the complete and correct business name and address of the promoter and the sponsor.

6. Respondent agrees, pursuant to Ind. Code § 24-8-3-4(b), to include a statement of odds in each notice stating, for each prize, the total number of prizes to be given away and the total number of notices distributed. Pursuant to Ind. Code § 24-8-3-4(d), if the odds are not accurately stated on the basis of the number of notices, Respondent shall state the odds in a manner that will not deceive or mislead a recipient regarding the recipient's chance of receiving a prize.

7. Respondent agrees, pursuant to Ind. Code § 24-8-3-7, that if any payment is required of a recipient in order to receive an award, including shipping fees, handling fees, or any other charge, the requirement and cost shall be disclosed on the first page of the notice in at least ten (10) point boldface type, by using the following appropriately completed statement: "You must pay \$_____ in order to receive this item."

8. Respondent agrees, pursuant to Ind. Code § 24-8-3-8, to disclose any limitation on eligibility in the notice in at least 10 point boldface type.

9. Respondent shall not represent that a consumer transaction has characteristics or benefits it does not have, which Respondent knows or reasonably should know it does not have.

10. Respondent shall not represent that a price advantage exists as to a consumer transaction, if it does not and the Respondent knows or should reasonably know it does not.

11. Upon execution of this Assurance, Respondent shall pay restitution in the amount of Five Hundred Eighty-Three Dollars and Seventy-Five Cents (\$583.75) to Helen Mensel of Indianapolis, Indiana, through the Office of the Attorney General, pursuant to Ind. Code § 24-5-0.5-4(d).

12. Upon execution of this Assurance, Respondent shall pay the amount of five hundred dollars (\$500.00) to Helen Mensel of Indianapolis, Indiana, through the Office of the Attorney General, pursuant to Ind. Code § 24-8-6-2.

13. Upon execution of this Assurance, Respondent shall pay costs in the amount of Five Hundred Dollars (\$500.00) to the Office of the Attorney General.

14. Respondent shall not represent that the Office of the Attorney General approves or endorses Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

15. Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

16. The Office of the Attorney General shall file this Assurance with the Circuit Court of Marion County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

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DATED this 5th day of August, 2005.

STATE OF INDIANA

RESPONDENT

STEVE CARTER
Attorney General of Indiana

CIRCAPOETRY, LLC.,

By: Mary Ann Wehmann for DAP
David A. Paetzmann
Deputy Attorney General
Atty. No. 6392-23

By: [Signature]
Name: Howard Friedman
Title: member

Office of Attorney General
Indiana Government Center South, 5th fl.
402 W. Washington Street
Indianapolis, Indiana 46204
Telephone: (317) 232-3442

APPROVED this 5th day of AUG 05 2005, 2005.

Theodore M. Soir
Judge, Marion Circuit Court